

UNITED STATES DISTRICT COURT
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, N.Y. 10007
(212) 805-0646

J. Michael McMahon
Clerk
USDC NORTHERN DISTRICT OF CALIFORNIA

RECEIVED

JUL 21 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Date: 07/16/2009

In Re: FOSAMAX PRODUCTS
LIABILITY LITIGATION
MDL 1789

Your Docket #

S.D. OF N.Y.

3-09-2339 *MES*

09 CV 6379

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge KEENAN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting a CERTIFIED COPY OF THE DOCKET SHEET. We will retrieve the documents using our Pacer system. Please note we DO NOT utilize the CM/ECF transfer function.

Sincerely,
J. Michael McMahon

By: PHYLLIS ADAMIK
MDL Unit
(212) 805-0646

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By: PHYLLIS ADAMIK
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(212) 805-0646

A CERTIFIED TRUE COPY

ATTEST

By Dana Stewart on Jul 15, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDGE KEENAN

09 CV

RECEIVED

6379

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 21 2009

Jun 29, 2009

FILED

UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONRICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

C 09-2339 MEJ

(SEE ATTACHED SCHEDULE)

MPL No. 1789

FILED
SDNY
JUL 16 2009
2009

CONDITIONAL TRANSFER ORDER (CTO-71)

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 177 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is pending at this time, the stay is lifted.

Jul 15, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jeffery N. Lüthi

Clerk of the Panel

A CERTIFIED COPY
J. MICHAEL McMANON,

BY

DEPUTY CLERK

CLERK

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

SCHEDULE CTO-71 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA NORTHERN
CAN 3 09-2339

Laura Wong v. Merck & Co., Inc., et al.

NEW YORK WESTERN
NYW 1 09-569
NYW 1 09-571
NYW 1 09-573

Rose Lisowski v. Merck & Co., Inc.
Lori Bova, et al. v. Merck & Co., Inc.
Christine Zgoda v. Merck & Co., Inc.